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Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
SACRAMENTO DIVISION**

**BOBBY WARREN; ANDY LAMBACH;  
JONATHON WILLIAMS; MICHAEL  
SAMUELSON; TRACY MILLER;  
TONA PETERSEN; CAROL BETH  
THOMPSON; CHRISTA STEVENS,**

Plaintiffs,

v.

**CITY OF CHICO; CITY OF CHICO  
POLICE DEPARTMENT,**

Defendants.

Case No. 2:21-cv-00640- MCE-DMC

**STIPULATION AND ORDER TO EXTEND  
TRO AND CONTINUE PRELIMINARY  
INJUNCTION HEARING**

Date: June 25, 2021

Time: 10:00 a.m.

Courtroom: Room 7, 14<sup>th</sup> Floor (via  
videoconference)

Judge: Hon. Morrison C. England, Jr.

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Attorneys for Plaintiffs

1 WHEREAS, on April 11, 2021, this Court granted the Temporary Restraining Order  
2 requested by Plaintiffs Bobby Warren, Andy Lambach, Jonathon Williams, Michael Samuelson,  
3 Tracy Miller, Tona Peterson, Carol Beth Thompson, and Christa Stevens (Plaintiffs) and set a  
4 hearing on Plaintiffs' request for Preliminary Injunction for April 23, 2021;

5 WHEREAS, counsel for Plaintiffs and counsel for Defendants City of Chico and City of  
6 Chico Police Department (collectively referred to here as Defendant) appeared at the April 23, 2021  
7 hearing on Preliminary Injunction and the parties agreed and this Court ordered that the terms of  
8 the Temporary Restraining Order are extended until May 14, 2021 and the hearing on the  
9 Preliminary Injunction was continued to May 14, 2021;

10 WHEREAS, at the April 23, 2021 hearing on Preliminary Injunction this Court asked the  
11 parties to discuss resolution of Plaintiffs' request for Preliminary Injunction;

12 WHEREAS, at its April 26, 2021-Special City Council meeting, Defendant formed a  
13 Homeless Solutions Ad Hoc Committee of the City of Council and held six public hearings on  
14 April 28, April 30, May 3, May 5, May 6, and May 7;

15 WHEREAS, counsel for the parties met on April 30, 2021 to discuss resolution of the  
16 request for Preliminary Injunction, as well as resolution of this litigation, and intend to continue  
17 these negotiations;

18 WHEREAS, on May 6, 2021 the parties signed a stipulation to extend the terms of the  
19 Temporary Restraining Order through June 11, 2021 and to continue the hearing on the Preliminary  
20 Injunction to June 11, 2021;

21 WHEREAS, on May 10, 2021 this Court ordered the terms of the Temporary Restraining  
22 Order to be extended through June 11, 2021 and continued the hearing on the Preliminary  
23 Injunction to June 11, 2021;

24 WHEREAS, Plaintiffs sent Defendant a written settlement letter on May 12, 2021;

25 WHEREAS, Defendant met at its regularly scheduled City Council meeting on May 18,  
26 2021 and in closed session considered Plaintiffs' settlement letter;

27 WHEREAS Defendant responded to Plaintiffs and sent a written settlement proposal on  
28 May 26, 2021;

1 WHEREAS, the parties' counsel spoke telephonically about the Defendant's settlement  
2 proposal on May 28, 2021, and Defendant stated it would provide Plaintiffs' a revised settlement  
3 proposal on or about June 2, 2021 after meeting with the City Council and discussing the settlement  
4 proposal at Defendant's regularly scheduled June 1, 2021 City Council meeting;

5 WHEREAS, on June 1, 2021, the parties' counsel spoke telephonically after the City  
6 Council meeting;

7 WHEREAS, on June 4, 2021, Defendant's counsel provided Plaintiffs' counsel with a  
8 revised written settlement proposal for consideration;

9 WHEREAS, on June 4, 2021, the parties signed a stipulation to extend the terms of the  
10 Temporary Restraining Order through June 25, 2021 and to continue the hearing on the Preliminary  
11 Injunction to June 25, 2021;

12 WHEREAS, on June 4, 2021, this Court ordered the terms of the Temporary Restraining  
13 Order to be extended through June 25, 2021 and continued the hearing on the Preliminary  
14 Injunction to June 25, 2021;

15 WHEREAS, on June 9, 2021 Plaintiffs' counsel responded to Defendants' revised written  
16 settlement proposal and made a written proposal for an interim resolution that would obviate the  
17 need for a preliminary injunction hearing;

18 WHEREAS, the parties continue to discuss settlement, but have not reached an agreement;<sup>1</sup>

19 WHEREAS, Defendants do not want to continue indefinitely the Temporary Restraining  
20 Order in this lawsuit; and

21 WHEREAS, the parties desire that the hearing on the Preliminary Injunction be continued  
22 and the Temporary Restraining Order be extended by one week to allow Defendants time to submit  
23 supplemental briefing in opposition to Plaintiffs' motion for preliminary injunction that will  
24 describe their resting site plan to the Court, request termination of the Temporary Restraining  
25 Order, and argue that a preliminary injunction should not issue;

26 WHEREAS, Plaintiffs desire time to respond to Defendants' supplemental briefing;

27  
28 <sup>1</sup> The parties would welcome the assistance of a Magistrate Judge in facilitating further  
settlement discussions.

1 IT IS THEREFORE STIPULATED, through the parties' respective undersigned counsel of record,  
2 and ordered by this Court as follows:

- 3 1. The hearing on Plaintiffs' request for Preliminary Injunction is continued to July 2, 2021 at  
4 10:00 a.m.
- 5 2. Defendants shall file all evidence and argument about their resting site plan no later than  
6 June 21, 2021.
- 7 3. Plaintiffs shall file all evidence and argument in response to Defendants' filing no later than  
8 June 28, 2021.
- 9 4. The terms of the Temporary Restraining Order [Docket Number 37] are extended through  
10 July 2, 2021 or any date for which this Court sets a hearing on Plaintiffs' Preliminary  
11 Injunction, if later than July 2, 2021, as follows:
  - 12 a. Defendants City of Chico and Chico Police Department, their agents, servants,  
13 employees and attorneys and those in active concert or participation with them are  
14 restrained and enjoined from the following:
    - 15 i. Enforcing or threatening to enforce the 72-Hour Illegal Encampment  
16 Notifications dated April 8, 2021 at 12 p.m. at Comanche Creek Green Way  
17 in Chico, California;
    - 18 ii. Issuing or enforcing any other 72-Hour Illegal Encampment Notifications as  
19 to unhoused persons on public property in Chico, California;
    - 20 iii. Enforcing or threatening to enforce the Chico Municipal Code sections listed  
21 in the April 8, 2021 72-hour Illegal Encampment Notification, which are  
22 Municipal Code sections 12R.04.340, 12.18.430, 9.20.010 through  
23 9.20.060; and 9.50.030. Enforcement and threat of enforcement of §  
24 9.20.030 (Unlawful Camping) is only restrained on public property.  
25 Enforcement and threat of enforcement of § 9.50.030 is limited to §§  
26 9.50.030 (B) -(E) (Waterways Ordinance - Camping, Staying, Storage of  
27 Personal Property, Entering and Remaining);

- iv. Enforcing or threatening to enforce California Penal Code § 647(c), which is listed on the April 8, 2021 at 12 p.m. Illegal Encampment Notification; and
- v. Destroying property of unhoused persons seized by Defendants even if Defendants value the property at less than \$100 or determine it is not of reasonable value.

## IT IS SO STIPULATED

PLAINTIFFS:

DATED: June 18, 2021

*Cay J.*

Legal Services of Northern California  
By: Cory Turner  
Attorney for Plaintiffs

DEFENDANTS:

DATED: June 18, 2021

Wm. A. Salbeck


Alvarez-Glasman & Colvin  
By: Vincent C. Ewing  
Eric G. Salbert  
Attorneys for Defendants

## ORDER

The Court hereby adopts the stipulation of the parties as its order. The hearing on Plaintiffs' request for Preliminary Injunction is continued to July 2, 2021 at 10:00 a.m. in Courtroom 7.

IT IS SO ORDERED.

Dated: June 18, 2021

  
MORRISON C. ENGLAND, JR.  
SENIOR UNITED STATES DISTRICT JUDGE